

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTONIO MORALES : CIVIL ACTION
: :
v. : :
: :
ROBERT SHANNON, et al. : NO. 08-2561

ORDER

AND NOW, this 16th day of September, 2008, upon careful and independent consideration of Antonio Morales's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry #1), the respondent's response, the petitioner's reply, the respondent's sur-reply, the Honorable Thomas J. Rueter's Report and Recommendation, the petitioner's objections, and the Court finding Judge Rueter properly analyzed the timeliness and equitable tolling issues with Morales's petition, it is hereby ORDERED that:

1. Petitioner's objections are DISMISSED;
2. The Report and Recommendation is ADOPTED;
3. The petition for writ of habeas corpus is DENIED;
4. Antonio Morales having made no substantial showing of a denial of a constitutional right, we DECLINE to issue a certificate of appealability; and
5. The Clerk shall CLOSE this civil action statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.